ITEM NO. 12

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING CHAPTER 2, SECTION 2.1.64(g) OF THE OCEANSIDE CITY CODE MODIFYING THE APPOINTMENT PROCESS FOR REGIONAL BOARDS AND COMMISIONS

WHEREAS, the City of Oceanside is a charter city and pursuant to Article XI, section 5 of the California Constitution may make and enforce all laws with respect to its municipal affairs subject to compliance with its City Charter and applicable state and federal constitutional provisions; and

WHEREAS, Chapter 2, section 2.1.64 of the Oceanside City Code sets forth the regulations governing appointments to boards and commissions; and

WHEREAS, Chapter 2, section 2.1.64(g) currently provides, "In compliance with Government Code section 40605, this section shall not apply to appointments to statutorily prescribed commissions, boards and committees"; and

WHEREAS, Government Code section 40605 provides that the elected mayor of a general law city shall make appointments to boards and commissions unless otherwise specifically provided by statute; and

WHEREAS, because Government Code section 40605 only applies to general law cities, and no corollary provision of state law addresses the appointment process for charter cities, the City Council desires to amend the appointment process for the City's representative to regional boards and commissions, but to leave intact the existing appointment process related to City boards and commissions, including those created pursuant to a City ordinance or resolution as well as those City boards and commissions created by state law;

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Chapter 2, section 2.1.64(g) of the Oceanside City Code is amended as follows:

(g) Appointments of the City's representative to a regional board or commission shall be made in the following manner: During years when there is a municipal election in November, the mayor shall present his or her nominations for all regional boards and commissions for the

next year no later than the first city council meeting in December. During years when there is no municipal election in November, the mayor shall present his or her nominations for all regional boards and commissions for the next year no later than the second city council meeting in December. The mayor's nominations shall be subject to confirmation by majority vote of the entire city council, including the mayor. If the mayor's nominee to a regional board or commission is rejected by majority vote of the entire city council or if the mayor does not submit nominations in the times prescribed in this section, any council member may thereafter present a nomination for appointment to a regional board or commission at a properly noticed meeting, subject to confirmation by majority vote of the entire city council, including the mayor. The City's representative to a regional board or commission may be recalled by majority vote of the entire city council, including the mayor, for any reason at a properly noticed city council meeting. Vacancies on a regional board or commission created by the recall of the City's representative may be filled by nomination of the mayor or any council member, subject to confirmation by majority vote of the entire city council, including the mayor.

SECTION 2. The city clerk of the City of Oceanside is hereby directed to publish this ordinance once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

SECTION 4. Severability.

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The city council hereby declares that it would have passed this ordinance and adopted this Ordinance and each

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section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the Fifth day of December, 2012, and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside California, held on the ____ day of _____, 2012, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING CHAPTER 2, SECTION 2.1.64 OF THE OCEANSIDE CITY CODE MODIFYING THE APPOINTMENT PROCESS FOR REGIONAL BOARDS AND COMMISSIONS